

CITY OF BELLEVUE  
CITY COUNCIL

Summary Minutes of Study Session

March 16, 2009  
6:00 p.m.

Council Conference Room  
Bellevue, Washington

PRESENT: Mayor Degginger, Deputy Mayor Balducci, and Councilmembers Bonincontri, Chelminiak, and Noble

ABSENT: Councilmembers Davidson and Lee

1. Executive Session

Deputy Mayor Balducci opened the meeting at 6:00 p.m. and declared recess to Executive Session for approximately 15 minutes to discuss one item of potential litigation.

The Study Session resumed at 6:15 p.m., with Mayor Degginger presiding. All Councilmembers were present except for Dr. Davidson and Mr. Lee, who were attending the National League of Cities Conference.

2. Study Session

(a) City Code and Land Use Code Amendments

City Manager Steve Sarkozy opened discussion regarding a number of code amendments.

(1) Environmental Procedures

Catherine Drews, Legal Planner, recalled that in June 2006 the City amended its critical areas ordinance. As a result, it is necessary to amend the Environmental Procedures Code for consistency with the critical areas regulations. The proposed amendments encompass: 1) Terms necessary for consistency with the critical areas ordinance (i.e., replacing the phrase sensitive area with critical area), 2) Language that clarifies which SEPA (State Environmental Policy Act) exemptions apply within critical areas, and 3) An update recognizing that the critical areas ordinance replaces the sensitive areas notebook as the basis for the exercise of the City's substantive SEPA authority.

Mayor Degginger noted a consensus to move forward with directing staff to bring back the proposed Ordinance for Council action.

(2) Factoria Subarea

Paul Inghram, Comprehensive Planning Manager, briefly reviewed proposed Land Use Code amendments related to the previously adopted Courter Enterprises Honda and Factoria SRO Comprehensive Plan Amendments.

Vicki Orrico, Planning Commission Chair, noted the Commission's recommendation provided in the meeting packet.

Mayor Degginger confirmed that the proposed Land Use Code amendments implement the Courter Enterprises and Factoria SRO CPAs as intended by the Council.

Land Use Director Carol Helland said staff will bring the amendments back for Council action in early April.

(3) Bel-Red Area Implementation Regulations

Ms. Helland noted that this agenda item brings back issues raised during the March 2 review of the draft Bel-Red Subarea Land Use Code. These issues are listed on page SS 2-21 of the meeting packet. Staff revised code provisions related to the routine maintenance and repair of existing development to clarify that maintenance and repair expenditures are exempt from the \$150,000 threshold that is applicable to alterations and improvements.

Moving to the second issue regarding the intentional destruction of an existing condition, Ms. Helland said some Planning Commissioners and City Councilmembers expressed concern about this section. Staff proposes deleting the provisions altogether because intentional destruction has never been an issue with the City in dealing with existing or non-conforming uses. Ms. Helland added that such incidents would likely be more appropriately addressed through criminal or insurance investigations.

Deputy Mayor Balducci stated for the record that striking this provision does not reflect an intent by the Council to allow people to intentionally destroy property to gain a land use benefit.

Continuing, Ms. Helland recalled staff's proposal to increase the allowed facade length for development along 156<sup>th</sup> Avenue NE. This was in response to requests from BelGreen Development and Opus Northwest for increased flexibility in redevelopment. Based on Council direction, staff met with residents of the Sherwood Forest community. Ms. Helland said feedback from Pam Toelle indicated there was not specific opposition to façades of 150 feet or 190 feet. However, residents felt that the 150 foot length was part of a well developed plan and did not see any reason to change it now.

Responding to Councilmember Noble, Mr. Inghram said Opus Northwest would like to remove the façade length restriction and be able to design a building for the full width of its site.

Responding to Councilmember Chelminiak, Mr. Inghram said the Uwajimaya property has approximately 400 feet of frontage along 156<sup>th</sup> Avenue NE. He explained that the side setback is traditionally at zero. However, with street frontage on NE 24<sup>th</sup> there would be a building spacing requirement on the south side of 40 feet. This is why staff originally proposed that a 190 foot façade length could work, because you could have two buildings, meet the spacing requirement, and allow for some flexibility for the developer.

Responding to Councilmember Bonincontri, Ms. Helland said staff feels that either façade length could be accommodated and meet the development objectives for the site. The 150 foot façade length has been a part of the plan for some time, however.

Deputy Mayor Balducci expressed support for staff's recommendation to retain the 150 foot façade length limitation, noting that it has been studied for some time and discussed with the community. She does not see a benefit in allowing the 190 foot façade length.

Councilmember Noble concurred. Mayor Degginger noted a Council consensus in support of the 150 foot façade length.

Ms. Helland recalled previous questions from the Council regarding prohibited building materials. She explained staff's position that lap and shingle siding are overly residential in character and are therefore not appropriate building materials for the more urban and commercial character of the Bel-Red area. She noted, however, that the prohibited materials list can be modified through the design review process.

Responding to Councilmember Bonincontri, Ms. Helland said the creation of a specific list of prohibited materials in the Land Use Code is based on experienced observations of material quality and durability. Ms. Helland said it is intended to be more productive to begin the design review process by ruling out materials that are known to be poor performers over time.

Responding to Mayor Degginger, Mr. Inghram said the prohibited materials list applies to structures visible from the public right-of-way including office, multifamily, residential, and mixed use buildings.

Mayor Degginger expressed concern that prohibiting certain materials will interfere with building affordability. Councilmember Noble concurred.

Ms. Helland clarified that the City previously implemented a prohibited building materials list for the Factoria area.

(b) WSDOT I-405/NE 8<sup>th</sup> Street to SR 520 Braided Ramp Interchange Improvement Project Update and Project Agreements

City Manager Steve Sarkozy opened staff's presentation regarding the Washington State Department of Transportation (WSDOT) I-405/NE 8<sup>th</sup> Street to SR 520 Braided Ramp

Interchange Improvement Project. The project has received federal stimulus funding through the American Recovery and Reinvestment Act.

Nancy LaCombe, Capital Projects Manager, noted that City staff has been working with WSDOT staff for the past couple of years to refine agreements related to the project.

Kim Henry, WSDOT I-405 Project Director, recalled development of the I-405 Master Plan in 1999 and briefly reviewed the project schedule. Along with the I-405/SR 520 braided ramp interchange project, the northbound auxiliary lane project (NE 195<sup>th</sup> Street to SR 527) has received federal stimulus funding. A request for proposals (RFP) for the braided ramp project will be issued on March 30, and construction is slated to begin this fall.

Denise Cieri, WSDOT I-405 Deputy Project Director, described the I-405 project between NE 195<sup>th</sup> Street and SR 527 in the Bothell area, which shows a 4:1 cost benefit ratio in terms of congestion relief for the project cost. The design-build request for qualifications (RFQ) will be issued on March 20, followed by the request for proposals (RFP) on May 20. The project is slated to open to traffic by the end of 2010.

Mr. Henry described the South Bellevue widening project that adds one southbound lane from SE 8<sup>th</sup> Street to I-90, and one northbound lane from 112<sup>th</sup> Avenue SE to SE 8<sup>th</sup> Street. This project involved the removal of the Wilburton Tunnel. Since the opening of the new northbound lane in January, traffic speeds during the morning rush hour have increased by 20-25 miles per hour, and congestion has decreased by approximately 50 percent. Mr. Henry commented on WSDOT's environmental program and its work with the City of Bellevue on the Kelsey Creek wetland mitigation activities associated with the South Bellevue widening project.

Ms. Cieri noted that the NE 10<sup>th</sup> Street bridge over I-405 is expected to be completed this fall. The I-405 braided ramps (NE 8<sup>th</sup> Street to SR 520) project builds new structures to separate northbound traffic exiting to SR 520 from traffic entering I-405 at NE 8<sup>th</sup> Street. It also builds a new on-ramp at NE 10<sup>th</sup> Street to SR 520.

Ms. LaCombe reviewed the agreements associated with the braided ramps project. Council action is requested during the Regular Session later in the evening on the four agreements addressing design and construction, project coordination, utility construction, and a traffic signal at the on-ramp from NE 10<sup>th</sup> Street to SR 520. The utility construction agreement is similar to the City's franchise agreements and assigns the City's and WSDOT's responsibilities. It identifies seven probable and potential utilities.

Responding to Councilmember Bonincontri, Ms. Cieri said WSDOT and the City have been working with Overlake Hospital Medical Center for a number of years in planning the project and addressing concerns related to noise, vibrations, air quality, and other issues. Ms. Cieri is meeting with hospital staff on Friday to continue these discussions.

Responding to Mayor Degginger, Mr. Henry described WSDOT's approach with the contractor to anticipate and manage utility related issues.

(c) Legislative Issues Update

Diane Carlson, Director of Intergovernmental Relations, reviewed the state legislative update provided in Council's desk packet. A large number of bills did not make it through the House. A new economic forecast is due to be released on March 19, and Senate budget bills are likely to follow during the week of March 23.

The 520 tolling bill (HB 2211) is being rewritten, and a number of Eastside legislators are looking to include triggers in the bill for tolling I-90 in the future. Staff is working with legislators to ensure that Eastside projects are funded and moved forward with any tolling action. Staff is seeking to identify design funding for the SR 520/124<sup>th</sup> Avenue interchange project in the bill as well.

Ms. Carlson said the tax increment financing/LIFT bill (SB 5045) is the only surviving bill related to local infrastructure. It passed the Senate and will be heard in the House next week. The transit oriented development bill (HB 1490) did not move forward due to a number of controversial sections including provisions for affordable housing.

3. City Manager's Report [Regular Session Agenda Item 5]

(a) Comprehensive Storm and Surface Water Plan Update

Kit Paulsen, Watershed Planning Team Supervisor, explained that the Utilities Department is initiating an update of the 1994 Comprehensive Drainage Plan, which establishes storm and surface water policy, reviews storm and surface water planning and operational practices, and develops Capital Investment Program (CIP) funding recommendations. The plan is used to evaluate existing conditions, identify future needs, and establish an implementation plan to be able to meet the City's objectives of preventing flooding, maintaining water quality, and protecting streams. The update process is anticipated to extend over the next two years. The Environmental Services Commission will review the updated document throughout the process.

(b) Management Brief on Electric Service Reliability

Transportation Director Goran Sparrman reviewed the proposed process for the electric service reliability study. He noted concerns within the community about the reliability of the electric power system and about the adequacy of electric power supply for growth in the downtown as well as for neighborhoods. Consistent with previous Council direction, staff will issue a request for qualifications (RFQ) for consultant services relating to electric service reliability in April. After a firm is identified, a preliminary scope of work will be developed with the Council. Council approval of the consultant agreement is targeted for June.

Responding to Councilmember Noble, Mr. Sparrman said there will be opportunities for the public to provide input into the process.

Mayor Degginger confirmed that this is a high priority and that the Council would like to gain an understanding of best practices from around the country.

Councilmember Chelminiak commented on his goals for the study. He wants to be able to determine how Puget Sound Energy's 20-year plan will increase electric reliability, and if there are tools for increasing reliability that are not in PSE's plan. He would like the City to be able to use the outcome of the consultant's work to effectively influence PSE's planning and implementation. He noted the need to accurately define and monitor electric reliability as well.

4. Council Business [Regular Session Agenda Item 6]

Councilmember Chelminiak reported that he and Councilmember Bonincontri just returned from the Trade Development Alliance study mission to the United Arab Emirates. Of the 85 delegates, approximately 30 percent represented Eastside businesses or were Eastside residents.

Deputy Mayor Balducci attended meetings of the Eastside Transportation Partnership and the Puget Sound Regional Council (PSRC) Transportation Policy Board.

Councilmember Bonincontri reported on the Trade Development Alliance study mission.

At 7:56 p.m., Mayor Degginger declared recess to the Regular Session.

Myrna L. Basich  
City Clerk

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